

REMARKS

In connection with Applicant's Request for Continued Examination (RCE), Applicant respectfully requests entry of the foregoing and reconsideration of the subject matter identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.114, and in light of the remarks which follow.

Applicant thanks the Examiner for acknowledging Applicant's RCE of September 18, 2008, and for withdrawing the finality of the previous Official Action.

Applicant also thanks the Examiner for indicating that Claim 60 is allowed in view of the Declaration of Dr. Martin Josso submitted on December 6, 2007.

Claims 1, 3-27, 29-30, 32-55, 57-58 and 60-61 are pending in the application.

By the above amendment, Applicant amended Claim 61 to address the claim objection. A claim that has been amended in a manner that does not narrow the claim's scope should be accorded its full range of equivalents.

Turning now to the outstanding Official Action, Claim 61 stands objected to for including a minor informality. Applicant has amended Claim 61 to correct the informality.

Reconsideration and withdrawal of the objection are respectfully requested.

Claims 1, 3-6, 9-18, 25, 29-30, 32-46, 53 and 58 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Iijima (U.S. Patent No. 6,258,857) in view of Fankhauser (U.S. 2002/0155073). Claims 1, 3-12, 14-25, 29-30, 32-41 and 47-52 stand rejected under 35 U.S.C. § 103(a) over Iijima in view of Torgerson (U.S. Patent No. 6,458,906). Claims 26-27, 54-55 and 57 stand rejected under 35 U.S.C. § 103(a) over Iijima, in view of Torgerson and further in view of Candau (U.S. Patent No. 6,033,648).

In the RCE, Applicant has requested a 3-month suspension of action in accordance with 37 C.F.R. § 1.103(c). Applicant is in the process of considering the above rejections and developing responses to the same. Applicant intends to respond to these rejections in due course within the requested 3-month period of suspended action.

Claims 1, 11-14, 30 and 40-43 stand rejected on the ground of non-statutory obviousness-type double patenting over Claims 1, 11-21 and 26 of co-pending Application No. 11/653,868 in view of Iijima and Fankhauser. Also, Claims 1, 11-14, 30 and 40-42 stand rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over Claims 14, 16-17 and 30 of co-pending Application No. 12/216,890. Because the present application is still being examined and because the co-pending '868 and '890 applications are also still being examined, Applicant respectfully requests that the Examiner continue to hold these rejections in abeyance until there is an indication of allowable subject matter in this application. At that time, Applicant will further consider the double-patenting rejections, if they are still pending, and provide an appropriate response.

From the foregoing, Applicant earnestly solicits further and favorable action in the form of a Notice of Allowance.

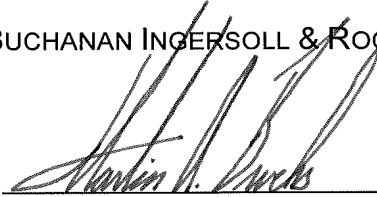
If there are any questions concerning this paper or the application in general, the Applicant invites the Examiner to telephone the undersigned at the Examiner's earliest convenience.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: July 8, 2009

By:



Martin A. Bruehs
Registration No. 45635

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620